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The Newfoundland Fisheries Award.

The award of the Hague Court in the Newfoundland Fisheries case, which had been looked forward to with so much interest, was announced on the 7th of September. We give elsewhere in this issue the full text of the decision, which we hope our friends everywhere will take time to read.

A careful reading of the document makes it clear that the judges were actuated by the highest and purest motives and that they did their utmost, in an impartial way, to find out where justice lay in each of the claims made by the two governments. It is made equally evident, by the text of the decision, that justice was not wholly on either side, but in considerable measure on both sides, as is generally the case in all important controversies. Arbitration is often spoken of as leading only to a compromise and not to the determination of the strict justice of the case. This may be true in instances, but it is much less frequently so than many think. No great international controversy ever springs up and develops unless there is more or less right on both sides. In this fisheries case, at any rate, justice lay

on both sides, and the court cannot be accused of compromising because it said so. The fisheries tribunal has shown clearly that an arbitration court may be, in the truest sense of the term, a court of justice.

Of the seven questions submitted to the court, five were decided in favor of the United States. These questions, as will be seen by consulting them and the answers to them, were important. They were not, however, the most important. On the two crucial questions, numbers one and five, on which the press have nearly universally declared that Great Britain won, it is not easy to determine from the text of the award which government gets the most, Great Britain or the United States. The sovereign right of Great Britain or her colonies to make regulations, in the form of municipal laws or ordinances, governing the fisheries without consulting the United States, is affirmed. But this right, the tribunal says, is limited by the treaty of 1818, and such regulations must not be in violation of the treaty provisions. They must be fair and equitable and not give advantage to British over American fishermen. The question whether any regulation is unreasonable, if raised, must be decided not by either of the parties alone, but be referred to an impartial authority. Thus both the sovereign rights of Great Britain and the treaty rights of the United States are safeguarded. It would seem, therefore, that both governments have got in the decision on this question substantially, if not formally, what they contended for.

The decision on question five, that of the lines from which the three marine miles shall be measured in the non-treaty bays, has been generally, we think, misunderstood by the papers. In a general way, as the text of the award shows, the contention of our government that these three marine miles are to be measured following the sinuosities of the coast, is clearly sustained by the court. The only exception is that where the body of water ceases to have the configuration and characteristics of an open bay or, in other words, becomes practically territorial water, the line from which measurement is made shall there be drawn across the body of water. This shall, however, never be farther out than where the body of water is ten miles wide. This is in apparent contravention of the declaration that the three miles are to be measured following the sinuosities of the bays. But, evidently, the judges found something in the character of the inward ends of a number of the bays which led them to see that fishermen could not easily